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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/110,103	07/01/1998	MICHAEL C. POWERS	019143.0272	4295

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EXAMINER

IRSHADULLAH, M

ART UNIT PAPER NUMBER

3623

DATE MAILED: 04/25/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Applicant No. .	Applicant(s)
	09/110,103	POWERS ET AL.
Examiner	Art Unit	
M. Irshadullah	2163	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 18 January 2002 .

2a) This action is **FINAL**.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 1-17 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-17 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

    1. Certified copies of the priority documents have been received.

    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_ .

    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

    a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

1) Notice of References Cited (PTO-892)      4) Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_ .

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)      5) Notice of Informal Patent Application (PTO-152)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ .      6) Other: \_\_\_\_\_ .

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## **DETAILED ACTION**

1. This communication is in response to the amendment filed January 18, 2002.

### ***Summary Of Instant Office Action***

2. Applicant's arguments concerning claims 1-17 rejections, para 6, Paper No. 15, Office Action mailed July 17, 2001 have been considered, deemed unpersuasive and the rejections are maintained.
3. The amendments to claims 1, 7 and 17 have been entered and claims 1-17 are under prosecution in the Office Action set out below.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
5. Claims 1-17 are rejected under 35 U.S.C. 103(a) as being anticipated by Havens ( US Patent 5,909,669 ) in view of Powers ( US Patent 6,044,368 ).

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Havens shows:

**Claim 1.** A computer-implementable method for importing external productivity data into a performance evaluation system [ Title, Abstract, lines 1-6 recited with col 5, lines 58-61 ( specifically line 61 ) ], comprising:

a) storing a plurality of user-defined data elements for an evaluation process [ Fig. 2 ( 66 ), col. 10, lines 19-21, col. 6, lines 19-23 ( specifically line 22 ), 23-48, claim 1, col. 14, line 32, col. 5, lines 59-60 recited with col. 3, lines 9-12, 39-41, col. 11, lines 9-13, abstract, line 1 and col. 1, lines 7-8, Fig. 3 ( 132 ) ];

c) mapping external productivity data items from the data file to the data elements based on the configuration table [ Col. 7, lines 35-57, Fig. 1 ( 5, 7 ), Fig. 2 ( 60 to 12, 14, 16 & 18, 15 to 12, 14, 16 and arrows showing transfer of data between 20-40 and 14, 16, 18 and col 13, line 67. Applicant will appreciate that “file(s)” or “table(s)” are the means to depict the data structure and specifically in the context of database jargon ]; and

d) inserting the external productivity data items into a plurality of productivity tables based on the mapping of the external productivity data items to the data elements, the external productivity data items inserted into the productivity tables capable of being used to calculate productivity scores for the evaluation process [ Col. 6, lines 11-14 ( specifically lines 13-14 ), Fig. 2 described col. 6, line 19 through col. 10, line 61 ( specifically col. 6, lines 19-23, 58-67 continue col. 7, lines 1-5, col. 10, lines 43-50 and 50-54 ), Fig. 2 ( 38 ), col. 8, lines 10-25 and Fig. 1 ( 50, 54, 58, 52, 56, 59, 55, 57 ), col. 3, line 50, col. 4, lines 15, 58-60 ];

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In the following element Havens shows all limitations excepting “ (data) associated with a telephony switch ”:

b) storing a user-defined configuration table for a data file comprising external productivity data ( associated with a telephony switch ), the configuration table operable to identify external productivity data items in the data file and to map external productivity data items to data elements for the evaluation process [ Fig. 2 ( 66 ), col. 10, lines 19-21, col. 6, lines 19-23 ( specifically line 22 ), col. 5, lines 59-61, read with col. 3, lines 9-12 and Fig. 1 ( 5, 7 etc. ) described col. 2, line 32 through col. 6, line 17 ( specifically col. 2, lines 66-67 continue col. 3, lines 1-12, 25-27 and 39-41 ), col. 13, lines 66-67 continue col. 14, lines 1-4 ].

However, Powers teaches the same [ Col. 4, lines 34-47, 53-57 recited with col. 8, lines 57-65 ].

It would have been obvious to one of ordinary skill in the relevant art at the time of applicant's invention to incorporate Powers' feature into Havens' invention, because it would facilitate to advantageously employ/use the prevalent technique/procedure in telephony switching environment.

**Claim 2.** The method of Claim 1, the configuration table further operable to associate a data item with a member of the performance evaluation system [ Figs. 1 and 2, Fig. 3 ( 132 ), col. 5, line 61 ].

**Claim 3.** The method of Claim 1, wherein the data file is a delimited file [ Fig. 2

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( 26 ), col. 7, lines 22-34 ].

**Claim 4.** The method of Claim 1, wherein the data file is not a delimited file and further comprising:

- a) storing a preprocessor file operable to generate a delimited file from the data file [ Fig. 2 ( 66 ), col. 10, lines 19-21, col. 6, lines 19-23 ( specifically line 22 ), col. 13, line 67 ]; and
- b) using the preprocessor file to generate the delimited file from the data file [ Col. 10, lines 19-21, .col. 7, lines 22-34 ( specifically lines 32-34 ) and col. 13, line 67 ].

**Claim 5.** The method of Claim 1, further comprising the configuration table operable to identify a type for each of the data items [ Fig. 1 ( any of I, II, III or IV ) ].

**Claim 6.** The method of Claim 1, further comprising the configuration table operable to identify a format for each of the data items [ Fig. 1 and col. 6, lines 62-63 ].

**Claim 7.** A computer- implementable performance evaluation system, comprising:

- a) a first database table operable to store a plurality of user-defined data elements for an evaluation process [ Fig. 2 ( 15 to 12 ), col. 6, lines 19-23 ( specifically line 22 ), Fig. 1 ( I ), col. 5, lines 59-60 recited with col. 3, lines 9-12, 39-41, col. 11, lines 9-13, abstract, line 1 and col. 1, lines 7-8, Fig. 3 ( 132 ) ];

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c) a third database table operable to store productivity data, at least a portion of the productivity data comprising external productivity data items inserted into the third database table based on the mapping of the external productivity data items to the data elements, the productivity data capable of being used to calculate productivity scores for the evaluation process [ Fig. 2 ( any of 14, 16 or 18 ), Col. 6, lines 11-14 ( specifically lines 13-14 ), Fig. 2 described col. 6, line 19 through col. 10, line 61 ( specifically col. 6, lines 19-23, 58-67 continue col. 7, lines 1-5, col. 10, lines 43-50 and 50-54 ), Fig. 2 ( 38 ), col. 8, lines 10-25 and Fig. 1 ( 50, 54, 58, 52, 56, 59, 59, 55, 57 ), col. 3, line 50, col. 4, lines 15, 58-60 ];

In the following element Havens shows all limitations excepting “ (data) associated with a telephony switch ”:

b) a second database table operable to store configuration information for importing a data file comprising external productivity data (associated with a telephony switch) into the performance evaluation system, the configuration information operable to identify external productivity data items in the data file and to map external productivity data items to data elements for the evaluation process [ Fig. 2 ( any of 14, 16 or 18 ), col. 6, lines 19-21, 23-33, 34-39, Fig. 1 ( II ), [ Fig. 2 ( 66 ), col. 10, lines 19-21, col. 6, lines 19-23 ( specifically line 22 ), 23-48, claim 1, col. 14, line 32, col. 5, lines 59-60 recited with col. 3, lines 9-12, 39-41, col. 11, lines 9-133, abstract, line 1 and col. 1, lines 7-8, Fig. 3 ( 132 ) ].

However, Powers teaches the same [ Col. 4, lines 34-47, 53-57 recited with col. 8, lines 57-65 ].

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It would have been obvious to one of ordinary skill in the relevant art at the time of applicant's invention to incorporate Powers' feature into Havens' invention, because it would facilitate to advantageously employ/use the prevalent technique/procedure in telephony switching environment.

**Claim 8.** The performance evaluation system of Claim 7, further comprising a configuration including the configuration information and an identifier for associating a data item to a member of the performance evaluation system [ Fig. 1 ( I, II, III , IV ), col. 12, lines 61-67 continue col. 13, lines 1-10 ( specifically lines 5-8 ) ].

**Claim 9.** The method of Claim 1, further comprising receiving the data file from an external device [ Fig. 2 ( 15 to 12 ) ].

In the undernoted claim:

**Claim 10.** The method of Claim 9, wherein the external device comprises a telephony switch.

Havens does not show "telephony switch".

However, Powers teaches the same [ Fig. 1 ( 19 ), col. 4, lines 53-56 ].

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It would have been obvious to one of ordinary skill in the relevant art at the time of applicant's invention to incorporate Powers' feature into Havens' invention, because it would facilitate to advantageously employ/use the telephony architecture/device in vogue.

**Claim 11.** The system of Claim 7, wherein the data file is a delimited file [ Fig. 2 ( 26 ), col. 7, lines 22-34 ].

**Claim 12.** The system of Claim 7, wherein the data file is not a delimited file and further comprising a preprocessor file operable to generate a delimited file from the data file [ Col. 10, lines 19-21, col. 7, lines 22-34 ( specifically lines 33-34 ) and col. 13, line 67 ].

**Claim 13.** The system of Claim 7, the configuration information further operable to identify a type for each of the data items [ Fig. 1 and col. 13, lines 5-9 ].

**Claim 14.** The system of Claim 7, the configuration information further operable to identify a format for each of the data items [ Fig. 2 ( 20 ), col. 6, lines 58-67 ( specifically lines 62 and 63 ) ].

**Claim 15.** The system of Claim 7, wherein the data file is operable to be received from an external device [ Fig. 2 ( 60 to 12 or any of 20-44 interacting with any of 14, 16 or 18 ) ].

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**Claim 16.** The system of Claim 15, wherein the external device comprises a telephony switch [ Please see discussion of applicant's claim 10 above ].

**Claim 17.** (Amended) A computer-implementable method for importing external productivity data into a performance evaluation system [ Title, Abstract, lines 1-6 recited with col. 5, lines 58-61 ( specifically line 61 ) ], comprising:

a) storing a plurality of user-defined data elements for an evaluation process [ Fig. 2 ( 66 ), col. 10, lines 19-21, col. 6, lines 19-23 ( specifically line 22 ), 23-48, claim 1, col. 14, line 32, col. 5, lines 59-60 recited with col. 3, lines 9-12, 39-41, col. 11, lines 9-13, abstract, line 1 and col. 1, lines 7-8, Fig. 3 ( 132 ) ];

d) mapping external productivity data items from the data file to the data elements based on the configuration table [ Col. 7, lines 35-57, Fig. 1, Fig. 2 ( 60 to 12, 14, 16 & 18, 15 to 12, 14, 16 and arrows showing transfer of data between 20-40 and 14, 16, 18 and col. 13, line 67.

Applicant will appreciate that "file(s)" or "table(s)" are the means to depict the data structure and specifically in the context of database jargon ]; and

e) inserting the external productivity data items into a plurality of productivity tables based on the mapping of the external productivity data items to the data elements, the external productivity data items inserted into the productivity tables capable of being used to calculate productivity scores for the evaluation process [ Col. 6, lines 11-14 ( specifically lines 13-14 ), Fig. 2 described col. 6, line 19 through col. 10, line 61 ( specifically col 6, lines 19-23, 58-67

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continue col. 7, lines 1-5, col. 10, lines 43-50 and 50-54 ), Fig. 2 ( 38 ), col. 8, lines 10-25 and Fig. 1 ( 50, 54, 58, 52, 56, 59, 59, 55, 57 ), col. 3, line 50, col. 4, lines 15, 58-60 ].

In the following element Havens shows all limitations excepting “ (data) associated with a telephony switch ”:

b) storing a user-defined configuration table for a data file comprising external productivity data ( associated with a telephony switch ), the configuration table operable to identify external productivity data items in the data file, to map external productivity data items to data elements for the evaluation process, to associate a data item with a member of the performance evaluation system, to identify a type for each of the data items, and to identify a format for each of the data items [ Fig. 2 ( 66 ), col 10, lines 19-21, col 6, lines 19-23 ( specifically line 22 ), col 5, lines 59-61, read with col 3, lines 9-13 and Fig. 1 ( 5, 7 etc. )Described col 2, line 32 through col 6, line 17 ( specifically col 2, lines 66-67 continue col 3, lines 1-12, 25-27 and 39-41 ), col 13, lines 66-67 continue col 14, lines 1-4 ]; However, Powers teaches the same [ Col. 4, lines 34-47, 53-57 recited with col. 8, lines 57-65 ]. It would have been obvious to one of ordinary skill in the relevant art at the time of applicant’s invention to incorporate Powers’ feature into Havens’ invention, because it would facilitate to advantageously employ/use the prevalent technique/procedure in telephony switching environment.

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In the element below, Havens shows all limitations, but “ telephony switch ”:

c) receiving the data file from an external device, the external device comprising a telephony switch [ Fig. 2 ( 60 to 12 or any of 20-44 interacting with any of 14, 16 or 18 ) and col. 10, line 9, and as said above, use of telephony switch in communication art is notoriously known and practiced ].

However, Powers teaches the same [ Fig. 1 ( 19 ), col. 4, lines 53-56 ].

It would have been obvious to one of ordinary skill in the relevant art at the time of the instant invention to incorporate Powers’ feature into Havens’ invention, because it would facilitate to advantageously employ/use the telephony architecture/device in vogue

#### *Response to Arguments*

6. Applicant's arguments filed January 18, 2002 have been fully considered, the same are moot in view of new grounds of rejection. However, it needs be mentioned that Havens being a generic method/system for productivity assessment, would be applied to any environment, organization, community including telephony switching.

#### *Conclusion*

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).  
Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

A) Beebe et al, US Patent 4,276,451. Control System For Telephone Switching System.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to M. Irshadullah whose telephone number is (703) 308-6683. The examiner can normally be reached on M-F from 11:00 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor , Tariq Hafiz, can be reached on (703) 305-9643. The fax numbers for the organization are (703)746-7239 and for after final (703)746-7238.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-3900.

M. Irshadullah

April 16, 2002

  
KYLE J. CHOI  
PRIMARY EXAMINER  
*Art Unit 2163*